

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITH PROGRAM

In Re: Norman E. Watts

PRB File Nos. 2019-102 and 2020-011

RESPONSE TO COUNSEL'S REQUEST TO RESOLVE DISCOVERY DISPUTE

The Respondent previously indicated to Counsel that he already produced every document that relate to the two PRP prosecutions.

As previously indicated, Respondent is a sole practitioner. His staff is now composed on one paralegal, Margaux Reckard. The firm as employed her for more than five years. She is fully conversant with all documents related to the two cases at issue.

Respondent and Ms. Reckard searched through the firm's cloud files for documents responsive to Counsel's requests in November 2019. Ms. Reckard produced the entire set of documents to Counsel shortly thereafter.

Subsequently, Respondent and Ms. Reckard searched the firm's cloud files again when Counsel suggested the production was deficient. The result was the same.

Yet Counsel appeals to the panel for a resolution of the dispute concerning her contention that Respondent did not produce all relevant documents.

Misunderstanding

There appears to be a misunderstanding, possibly arising from the language Respondent conveyed – for example:

Counsel's request No 1:

Produce any and all Documents related to instances in which You were notified by a professional responsibility regulatory body that a complaint was filed against You.

Respondent's response:

Objection – The Respondent has already produced all such materials to Counsel pursuant to her investigation.

It appears Counsel interprets the response to mean Respondent produced a series of documents responsive to the request; when, actually, he intended to convey the fact that there are no additional files on point that have not already been produced. And he made the point subsequently to Counsel.

The point covers Requests Nos. 1-3, 10-20, 23-39.

Respondent's Other Responses

Request 3 – Requests document “related to personal or emotional problems that contributed to or caused the violations of the Vermont Rules of Professional Conduct as alleged in the Petition.”

Response - Respondent denies he violated the Vermont Rules of Professional Conduct as alleged in the Petition; without waiving, None.

In other words, there were no such “personal or emotional problems,” violations or documents.

Request 4 – Similar request.

Response – Similar denial.

Request 5 – Requested Respondent’s “compensation from Your Firm for the years 2014-2020.”

Response – Request is not “relevant to the allegations of the Petition, proportional to the needs of the matters under consideration, helpful to the panel in its deliberations and constitutes an invasion of privacy and secure propriety information.”

Request 6 – Requests all phone records of Respondent, his firm and any other phone you used from August 2017 through April 2019 with redactions for client confidentiality except for client GA.

Response – Respondent has not retained such records nor are they “relevant to the allegations of the Petition, proportional to the needs of the matters under consideration, helpful to the panel in its deliberations and constitutes an invasion of privacy and secure propriety information.” Counsel subsequently subpoenaed the records from the telephone service providers.

Request 7 – Answered fully. Counsel subsequently requested case decisions that Respondent considered in his decision not to pursue the Good Faith and Fair Dealing claim. The requested information will be produced by next Monday.

Request 8 – Requests trust account transactions that occurred after the 12/19/18 Kainen audit.

Response – Respondent described the overhaul of the firm’s accounting practices and elimination of the refundable retainers that were the source of confused accounting practice and stressed that “no client funds were received into the trust account after that date” – as the auditor indicated; it also noted that any “remaining client funds were returned to the clients.”

Request 9 – Similar request for financial transaction records after PRB stipulation in PRB File No. 2019-006.

Response – Referred to Response 8.

Request 21 – Requests records of all hourly client transactions since 2010, including billing and payment records.

Response – Respondent indicated that all such records were returned to the clients at the conclusion of each case.

Request 22 – Requests eleven years of estimates of legal fees and expenses” provided to clients.

Response – Same as for Request 22.

Conclusion

The Respondent desires to provide the panel with whatever it needs for its deliberations in the two cases presented to it. But, as noted above, he produced all the records in his possession except for a few, noted above, that are unreasonably invasive, unduly burdensome or irrelevant to the claims of the Petition. Respondent also appeals to the panel’s sense of fairness and the level of the burdens that would be imposed by Counsel’s requests.

In many instances, Counsel has not justified the need for the Respondent to devote extensive additional time to prepare documentation that does not exist, has already been produced or does not related to the two complaints.

The Respondent requests that the panel uphold his positions concerning the requests.

The Respondent expresses his appreciation for considering his requests despite the delays that his current litigation schedule and his personal emergency caused.

DATED: July 22, 2021.

/s/ Norman E. Watts

Norman E. Watts, Esq.

Watts Law Firm PC

PO Box 270

Quechee VT 05059-0270

802-457-1020

